

09-04-01

A/SEE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No. D6106D

Anticipated Classification of this application:

Class: Subclass:

Prior application: Examiner: Schwartzman, R.

Art unit: 1636

jc996 U.S. PTO

09/943724

08/31/01

The Assistant Commissioner of Patents  
 BOX PATENT APPLICATION  
 Washington, D.C. 20231

Dear Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b), of pending prior application Serial No. 09/286,682 filed on April 5, 1999, entitled *Inhibition Of Binding Of Hox And Homeodomain-Containing Proteins And Uses Thereof*.

1. ☒ Enclosed is a complete copy of the prior application, including the declaration as originally filed.
2. ☒ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)) (copy enclosed).
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT

For:	No. filed	No. extra	Fees for Small Entity		
			Rate		Fee
Basic Fee					\$355.00
Total claims	12	0	x \$ 9	=	\$
Indep. Claims	3	0	x \$40	=	\$
TOTAL					\$355.00

- 4a. ☒ Please charge Deposit Account No. 07-1185 in the total amount of the filing fee.
- 4b. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1185.
5. ☒ Cancel in this application original claims 7, 9-12 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. ☒ Amend the specification by inserting on page 1, before the first line, the sentence: -- This is a divisional application of U.S.S.N. 09/286,682 filed on April 5, 1999.--

7. — Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of issue fee.)
8. X 22 sheets of drawings are enclosed.
9. — Priority of application serial no. filed on in , is claimed under 35 U.S.C. 119.  
— The certified copy of the priority application has been filed in prior application serial no.
- 10a. X With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120, the inventor(s) in this application are:  
X the same
- 10b. X The inventorship for all the claims in the application are:  
X the same  
— not the same, and an explanation, including the ownership of various claims at the time the last claimed invention was made, is submitted.
11. X The prior application is assigned of record to UAB Research Foundation.
12. X The power of attorney in the prior application includes Benjamin Aaron Adler, Ph.D., Registration No. 35,423.  
a. — The power appears in the original papers in the prior application in the form of a Revocation and New Power of Attorney (copy enclosed).  
b. — Since the power does not appear in the original papers, a copy of the Power in the prior application is enclosed.  
c. X Address all future communications to:  
  
Dr. Benjamin Adler  
Adler & Associates  
8011 Candle Lane  
Houston, Texas 77071
13. — A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in prior application.)  
a. — A Supplemental Oath [1.67(b)(1)] for new claims is enclosed.
14. X The sequence listing is enclosed, including a paper copy, a copy on disk for the computer readable form and a compliance letter indicating that the sequence listing on the paper copy and the disk are one and the same.

15. X I hereby verify that the attached papers are a true copy of prior application Serial No.09/286,682 filed on April 5, 1999, that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

August 31, 2001  
Date

Benjamin Aaron Adler  
Benjamin Aaron Adler, Ph.D., J.D.  
Registration No. 35,423  
Attorney for Applicant

Adler & Associates  
8011 Candle Lane  
Houston, Texas 77071  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No. D6106D

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Art unit: 1636

The Assistant Commissioner of Patents  
BOX PATENT APPLICATION  
Washington, D.C. 20231

**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10**

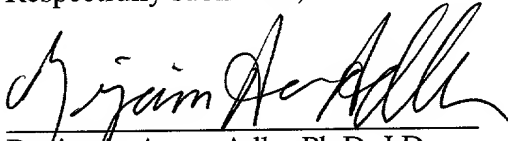
I hereby certify that this divisional transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No.EL868053003US in an envelope addressed to: The Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231, BOX PATENT APPLICATION, on the date indicated below.

- 1) Divisional application: 69 pages of specification (including 5 pages of claims) and 22 sheets of drawings;
- 2) Sequence Listing, Compliance Statement & CRF disk
- 3) Divisional Application Transmittal letter;
- 5) Small Entity Status Form; and
- 6) (3) Three Combined Declarations and Power of Attorney.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

DATE: August 31, 2001

  
Benjamin Aaron Adler, Ph.D, J.D.  
Registration No. 35,423

Adler & Associates  
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Houston TX 77071  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Cao et al.

**FILED:** August 31, 2001

**DOCKET:** D6106D

**FOR: Inhibition of Binding of Hox and Homeodomain-Containing  
Proteins and Uses Thereof**

The Assistant Commissioner of Patents and Trademarks  
**BOX PATENT APPLICATION**  
Washington, DC 20231

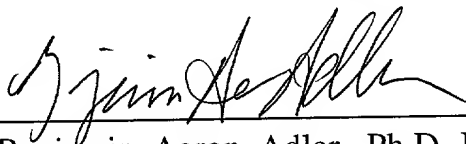
**COMPLIANCE OF REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Dear Sir:

Applicant provides a computer readable form of the Sequence Listing on the enclosed 3.5 inch disk and a paper copy thereof for the above-referenced application. The disk is a 1.44 Mb IBM-formatted disk. The file is stored as D6106D SEQ in text format. I hereby state that the content of the paper copy of the Sequence Listing filed as part of the above-captioned application and the enclosed computer readable copy of the Sequence Listing are the same.

Respectfully submitted,

Date: 8/31/01

  
Benjamin Aaron Adler, Ph.D., J.D.  
Counsel for Applicant  
Registration No. 35,423

ADLER & ASSOCIATES  
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